

REGULATORY FEES (USER FEES)

- o Adds a new Section 9 to the Communications Act which was in neither the House nor Senate versions of the budget reconciliation bill to authorize the collection of regulatory or user fees from licensees. Authorizes recovery of FCC costs relating to enforcement, policy and rulemaking, international coordination and user information services.
- o Estimated collection for first full year of operation is approximately \$82 million.
- o Authorizes Commission to review fees after one year and make recommendations for adjustment.
- o Requires Commission to adjust the fees to reflect proportionate changes in its appropriations.
- o Permits the Commission to change the fee schedule through rulemaking to add, delete or reclassify services when the Commission determines such changes are necessary to ensure fees are reasonably related to benefits provided by the FCC's activities to the payors of fees.
- o Authorizes late payment penalties, as well as dismissal of applications and revocation of licenses for non-payment.
- o Authorizes Commission to waive, reduce or defer payment of a fee for good cause.
- o Exempts from regulatory fees governmental or non-profit entities and amateur radio licensees.
- o Amends Section 6 of the Communications Act, the Commission's "authorization of appropriations", to provide that a portion of each FCC appropriation in any fiscal year shall henceforth come from regulatory fees.
- o Sets the initial fee schedule.

HR 2519 (N Smith) Appropriations-Commerce/Justice/State/Judiciary/FCC. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies (including the FCC) for the fiscal year ending September 30, 1994. Intro: 6/24/93; Cosp:0.

Action:

10/27/93 Signed by President; P.L. 103-121, 107 Stat. 1153.
 10/25/93 Signed in the Senate.
 10/21/93 Floor debate scheduled to continue; Senate agrees to conference report 90-10.
 10/20/93 Floor debate scheduled to continue; House recedes from disagreements with Senate on numerous amendments.
 10/19/93 Floor debate scheduled to begin; House agrees to conference report 303-100.
 10/14/93 House Conference Comte files H. Rept. 103-293 (full text starts at p. H-7968); the following language pertains to the FCC for FY '94:

"Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: Provided, That \$60,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title

I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than \$99,900,000: Provided further, That any offsetting collections received in excess of \$60,400,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: Provided further, That none of the funds appropriated by this act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(d) of title 47 of the Code of Federal Regulations, other than to amend policies with respect to waivers of the portion of section 73.3555(d) that concerns cross-ownership of a daily newspaper and an AM or FM radio broadcast station.

In addition, section 9(a) of Title I of the Communications Act of 1934, as amended, is further amended as follows:

(a) by striking "(a) General Authority.--" and inserting in lieu thereof the following:

"(a) General Authority.--

"(1) Recovery of costs.--; and

(b) by adding at the end the following new paragraph:

"(2) Fees contingent on appropriations.--The fees described in paragraph (1) of this subsection shall be collected only if, and only in the total amounts, required in Appropriations Act."

and on page 28 line 14 of the House engrossed bill, H.R. 2519, strike "\$129,889,000", and insert in lieu thereof "\$160,300,000".

{Intervening text}

Commission Funding.--The \$160,300,000 included in the conference agreement provides the FCC with their full appropriations request, plus \$16,111,000 to continue to implement the Cable Act, \$9,300,000 to initiate the modernization/upgrade of their technical equipment and infrastructure, and \$5,000,000 to handle additional workload resulting from the President's technology initiatives. The agreement provides the Commission with a

minimum of 240 FTE above their request, for a total of 1,964 FTE, to allow the FCC to fully implement its new responsibilities.

{Intervening text}

Amendment No. 178: Deletes language proposed by the Senate, but not in the House bill, which would have required the Federal Communications Commission to submit an analysis to Congress outlining options for addressing telephone calling card procedures which will maximize consumer benefits. The conferees understand that the Commission is currently considering issues related to procedures for making telephone calls using calling cards in FCC Docket 92-77, the Billed Party Preference proceeding. The conferees encourage the Commission to include the analysis envisioned by the Senate amendment as part of any action it is taking on this issue.

- 8/3/93 Returned to House from Senate, with Senate amendments.
- 7/29/93 Extensive debate continued in Senate; agreed to Pressler amendment (#731) requiring the Federal Communications Commission to submit an analysis to Congress outlining options for addressing telephone calling card procedures; Passed Senate by recorded vote #1225: 87-13.
- 7/28/93 Extensively debated in Senate.
- 7/27/93 Debated in Senate.
- 7/22/93 Senate Appropriations Comte holds public markup; report filed by S. Appropriations Comte -- S. Rept. 103-105.
- 7/21/93 Rec'd in Senate after passage in the House. Public markup held by Commerce, Justice, State, The Judiciary, etc., Subc. and cleared for full committee, as amended.
- 7/20/93 After extensive debate, passes House on recorded vote #1346: 327-98.
- 7/16/93 Floor debate continues.
- 7/15/93 Floor debate continues.
- 6/30/93 Floor debate continues.
- 6/29/93 Floor debate begins.
- 6/24/93 Prior to introduction, public hearings were held on 5/7, 5/11 thru 5/13, and a closed markup was conducted on 6/16; full House Appropriations Comte markup and a "clean" measure was reported and filed with the full House -- H. Rept. 103-157, as follows:

"Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed \$450,000 for land and structures; not to exceed \$300,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and

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services as authorized by 5 U.S.C. 3109; \$129,889,000, of which not to exceed \$300,000 shall remain available until September 30, 1995, for research and policy studies."

HR 2840 (Hughes) Copyright Royalty Tribunal Reform Act of '93. A bill to amend Title 17, USC, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal. Stmt on intro: 8/3/93 @ E-1961-62; Cosp: 1.
See H.R. 897 & S. 1346.

Action:

12/17/93 Signed by President; P.L. 103-198, 107 Stat. 2304.
12/8/93 Presented to the President for signature.
11/22/93 Returned to House from Senate w/ Senate amendments; debated in House and agrees by unanimous consent to motion by BROOKS to accept Senate amendments.
11/20/93 Agreed to amendment by DeConcini and PASSES Senate by voice vote.
10/20/93 Motion by WOFFORD to place on Senate Legislative Calendar.
10/13/93 Rec'd in Senate after passage in House.
10/12/93 House Judiciary filed H. Rept. 103-286; measure PASSES House by voice vote. (pp. H-7698-7702)
10/6/93 Public markup held by full House Judiciary Comte.
8/3/93 Public markup held by Intellectual Property & Judicial Administration Subc.; cleared for full House Judiciary Comte.

Summary:

- 1) Abolishes the Copyright Royalty Tribunal (CRT). Requires the CRT's present functions to be performed by ad hoc arbitration panels convened by the Registrar of Copyright.
- 2) Makes the Register of Copyrights a Presidential appointee, with advice and consent of the Senate (at present, the Register is appointed by the Librarian of Congress who is in turn appointed by the President with Senate advise and consent.)
- 3) Repeals two sections of the Copyright Act: 1) Section 411(a), which requires copyright owners to register with the Copyright Office and deposit the work at the Library of Congress prior to filing an infringement suit, and 2) Section 412, which denies remedies for failure to make such a filing under 411(a).

HR 4603 (Mollohan) Depts of Commerce, Justice & State, the Judiciary & Related Agencies (FCC) Appropriations Act of 1994. A bill making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994. Intro: 6/21/94; Cosp:0.

Action:

8/26/94 Signed by the President; P.L. 103-317, 108 Stat. 1724.
8/22/94 Signed in the Senate.
8/19/94 Conf. Report agreed to by the Senate.

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HJRes267 (Natcher) Resolution Making Continuing Appropriations for FY '94. Joint resolution making continuing appropriations for the fiscal year 1994.

Action:

9/30/93 P.L. 103-88, approved 9/30/93; continuing resolution runs thru 10/21/93.
9/30/93 Signed in House and Senate and sent to the President.